Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No._____

In the

SUPREME COURT OF THE UNITED STATES

DR. JULIA McCAIN LAMPKIN-ASAM

Petitioner

vs.

VOLUSIA COUNTY SCHOOL BOARD, et. al.

Respondents

On Petition for Writ of Certiorari

U.S. Court of Appeals, Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

Julia McCain Lampkin-Asam, Ph.D.,J.D., Pro Se
3240 Tealwood Terrace
Deltona, Florida 32725
(386) 532 6270

QUESTIONS PRESENTED

I. Whether the Honorable Supreme Court of the United States has jurisdiction to review the instant case as a Petition for Writ of Certiorari under 28 U.S.C., 1254(1) because the U.S.Court of Appeals, Eleventh Circuit (07-12704BB) by affirming apparently never read the first three (3) pages of the 2nd Amended Complaint that was in the record, which clearly showed that the Federal Rules of Civil Procedure Rule 8(a)2 was correctly written because of the complexity of the controversy of false Statements (See Statement of Facts - Exhibit I1a, quoted in pertinent parts probably not read by U.S. Court of Appeals because one volume of exhibits was not returned to the lower court, [see Appendix F), created by Mr. Mark Corruthers since the Volusia County School Board through its officials, Chairman of the Board, Judy Anderson, Dr. Margaret A. Smith, Superintendent, and Mr. Mark Corruthers, Assistant Principal of Deltona Middle School failed to retract the false, defamatory, libelous per se, and stigmatizing phantom statements in the Exhibit I1a after all the Defendants named above as Defendants in the Volusia County School Board officials were served with Notice according to Florida Statute 770.01. Mr. M. Hood lawyer at the time was also served with Notice according to F.S 770.01 but the stigma plus statements remained in a public record, Dr. Lampkin-Asam's teacher Personnel file,which was review by the Press [See Exhibit E which was quoted in the Appendix "E" , showing that the false information was published.]

investigate the incident before writing the said false statements in Exhibit 11a which would permanently damage Dr. Lampkin-Asam as a teacher or in obtaining any more Cancer Research grants when she is also a Cancer Scientist and the original developer of the Model Lymphomas in mice used in different cancer labs of the world and trained at the National Cancer Institute, Leukemia Study Section, with her Doctors Dissertation major in oncology at George Washington University for Ph.D.) being on development of the model lymphomas which were chosen by the National Cancer Institute as a model lymphoma. Dr. Lampkin-Asam has two lymphomas named after her that are mutant lymphomas, JL1161 and JL762 -- JL stands for Julia Lampkin-- which were induced by DNA and RNA respectively. See Pattern 03,574,828 by Dr. Lampkin-Asam (formerly Dr. Lampkin-Hibbard due to marriage) with the title of "Method of Obtaining Anti-lymphoma Antibodies" See pp. 1 and 2 for the development of lymphomas from DNA and RNA to produce mutant proteins used as vaccines to prevent lymphomas. I was working as a substitute teacher at Volusia County School Board to obrain money to pay for publication of what should be done in the future to produce a safe vaccine against lymphomas because at that time I was 74 years old and I wanted to write some of the cancer research that should be done in case I should die before I had the opportunity to do it myself.]

II. Whether, by the U.S. Court of Appeals, 11th Circuit holding F. S., state statute, 119,011(1), a public record, <u>invalid snd repugnant to the U.S. Constitutional Amendments, One, Fifth and Fourteenth as well as 42 U.S.C. Section 1983</u>

when the Hon. Judges of the U.S. Court of Appeals, 11thCircuit erroneously ruled Affirmed because one volume of Exhibits was missing when the record was sent back from the U.S. Court of Appeals is questionable if the instant case was properly reviewed due to the complexity of the facts the stigmatizing phantom teacher's evaluation which he sent to the Personnel Office of Volusia County School Board for Dr. Lampkin-Asam's teacher's file, a public record under Florida Statute 119.011(1)1, state statute invalid and repugnant to the 5th and 14th Amendments to the U.S. Constitution when the document (I1a), a public record, against Dr. Lampkin-Asam because Mr. Corruthers was illegally attempting to cover- up a malignant crime of felony in his school. See Statement of Case.

Question Presented has clearly shown that Dr. Lampkin-Asam has clearly met the requirements of F. Rules of Civ. Procedure in the Rule 8 (a) 2 as to law and facts.

"Rule 8(a)(2) states:
"(2) a short and plain statement of the claim showing that pleader is entitled to relief,"...

See Friedlander v. Nims, 755 F. 2d 810 which states,

> "A complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that plaintiff can prove no set of facts in support of his claims which would entitled him to relief. Fed. Rules Civ. Proc. Rule 12(b)6 28 U.S.C.A.

The false statements in Exhibit 11a are:. "Unsatisfactory performance of duties" for 4 days when incident happened the 3rd day and the 4th day Dr. Lampkin-Asam was transferred to the 7th grade.

III. Whether the Honorable U.S. Court of Appeals, 11th Circuit made gross error when claiming on p. 5 that "We review de novo" when the instant case was not reviewed on its merits and the Hon. Judge Presnell abused his authority according to F. Rules of Civil Procedure, Rule 12 e (Quote in Appendix B on p. 3 in a footnote in Final order May 31,2007 by Hon. Judge Presnell and mentioned by the Hon. Judges on p. 5 of the opinion of the Honorable U.S. Court of Appeals 11th Cir., it is questionable whether Rule 12 (e) is invalid and repugnant to the U.S. Constitutional Amendments, Fifth and Fourteenth and 42 U.S.C. Section 1983 because due process as to WRONGFUL TERMINATION was committed by Dr. Margaret A. Smith Superintendent and official of the Volusia County School Board Defendant.

The jurisdiction in the federal court comes under 42 U.S.C. Section 1983 as found in Monell v. Department of Social Services of the City of New York, 436 U.S. 658, L. ED. 2d 611, 58 S. Ct. 2018 (1978) which held that local governments, municipals corporations, and school boards (Emphasis added) were "persons" subject to liability under Section 1983.

Also, see Brandon v. Holt, 105 S. Ct. 873 (1985) which held that a suit against a municipal official capacity is tantamount (Emphasis added) to suit against municipality.

The jurisdiction of this federal court is also under the 14th Amendment of the U.S. Constitution for lack of due process and violation of Dr. Lampkin-Asam's rights to life, liberty or property."

IV Whether Hon. Judge Presnell and Hon.U.S. Court of Appeals, 11th Circuit abused Federal Rules of Civil Procedure 12(e) and see that
Hon. Judge Presnell in Appendix G stated,

> "The Defendants need not respond to that Pleading {Second Amended Complaint] ... until directed to do so by this Court " and

U.S. Court of Appeals. 11th Circuit falsely claimed case was reviewed de novo; therefore, Dr. Lampkin-Asam's rights under the 5th and 14th Amendments of the U.S. Constitution as to due process of life, liberty, or property were violated.

V. Whether Mr. Corruthers abused Amendment One (1) to the U.S. Constititution by fabricating a teacher's evaluation that he knew would become a public record (F.S. 119.011(1) repugnant and infringing on Dr. Lampkin-Asam constitutional rights under the First, Fifth and Fourteenth Amendments to the U.S. Constitution that would stigmatize Dr. Lampkin-Asam severely for employment any place [SigmsaPlus elements were met, see p. the Friedlander v. Nims] without even investigating the incident since he wrote the false phantom teacher's evaluation the same day he was noticed of the incident.?

VI. Whether the U.S. Court of Appeals in losing one bound copy of three bound exhibits and at the same time denying an Addendum of said exhibits just because Asam wrote an index to help the Hon. Judges to find the exhibits with tabs and sent a

stamped copy back to Asam since the Motion... was denied Oct. 23, 1007 with a name not typed on the denying of motion because the signature got smaller as written causing a violation of Dr. Lmpkin-Asam's constitutional rights under the First, Fifth, and Fourteenth Amendments to the U.S. Constitution.

VII a. Whether

Mississippi law by Appellate Court, Mississippi Supreme Court law is inconsistent concerning a person working on an hourly basis as a substitute teacher being wrongfully terminated without due process of life, liberty, or property as to the Fifth Amendment to U. S. Constitution when the administrator, Assistant Principal of Deltona Middle School, Mr. Mark Corruther, acting as an official of the Volusia County School Board committed a criminal act by covering-up a crime of felony by a 13-old student with a weapon hitting Dr. Lampkin-Asam, a substitute teacher, in the back of her head while she was teaching math at Deltona Middle School under the Control of Volusia County School Board.

See Solomon v. Walgreen Co., 975 F. 2d 1086,1089, (5th Cir.) 1992.

> "In the absence of employment contract, the Mississippi Supreme Court created two exceptions to this long-standing rule on employee could have a cause of action for wrongful termination if he is fired, (1) refuseing to commit an illegal act or (2) or reporting his employer's illegal act."

In the instant case Dr. Lampkin-Asam reporting the illegal act of Mr. Corruthers not doing his duty of reporting a crime of felony with his illegal act to cover-up violence in his school.

VII b. Whether the two exceptions shown in the Mississippi Supreme Court with the 5th Circuit are inconsistent with other circuits, especially if inconsistent with the 11th circuit. Reason important because a number of administrators are taken the position to protect the young criminals who are hurting and killing students, teachers, and administrators across the U.S. See #2. reason for granting this writ because protecting a known teenager who has committed a felony is a crime and the #2 exception in the Solomon case should be the law in 2008 especially since as an example, I had AN UNBLEMISHED TEACHING RECORD AT THE Volusia County School Board teaching, from 2001 to August 25, 2005 the last day I worked before I was hit in the back of my head by a student with a weapon and the student, a 13 year-old unprovoked. See Appendix E.

VIII. **Whether the Hon. U.S. Court of Appeals is using the wrong standard of review for affirming Not considering Dr. Lampkin-Asam as a Pro Se when she has BEEN PERMANETLY DAMAGED IN THE HEAD AS A VICTIM OF A VIOLENT CRIME BY A STUDENT HITTING HER IN THE HEAD WITH A WEAPON - METAL WHILE SHE WAS TEACHING AND STILL HAS HER HEAD SWOLLEN SINCE 8/24/05 WITH A CONTINUOUS HEADACHE AND AS STATED in**

the Statement of the Case other damages caused by head injury. And these damages were documented in exhibits which the court loss (See Appendix F) and also denied the motion.. For Addendum to the Reply brief which had an index which had been written for exhibits from the lower court Further Dr. Lampkin-Asam did not violate Rule 8(a)(2) (See Appendix C).

II. LIST OF PARTIES:

Dr. Julia McCain Lampkin-Asam,Ph.D. J.D.,Pro Se

Petitioner

vs.

Volusia County School Board, Judy Anderson Chairman and Dr. Al Williams. Chairman, Volusia County School Board, Dr. Margaret A. Smith, Superintendent, Volusia County School Board , Assistant Principal, Tamara Wenzel (Gaines), Smith, Hood, Perkins, Loucks, Stout, Bigman, Lane & Brock, PA. Dr. Michael Gebel, Dr. Bruce Hoffen, USIS, United Self Insured Services, CEO, Sam Boone, and Suzanne Evans, RN.

Respondents

Supreme Court of the United States Corporate Disclosure Statement

USIS,Inc., CEO Sam Boone , Respondent

Brown & Brown Inc. Parent Corporation of USIS,Inc, Respondent.
[Publically traded under ticker symbol BRO]
Volusia County School Board, Respondent
USIS, United Self Insured Services

Respondent

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V. JURISDICTION:

Jurisdiction to the Supreme Court of the United States F.S. 1254(1) - See Appendix D.

The date of the final decision of the U. S. Court of Appeals, 11th Circuit, is January 9, 2008. The instant Petition for Writ of Certiorari is timely filed within 90 days. See Appendix A.

CONSTITUTIONBAL AND STATUTORY PROVISIONS INVOLVED: See Lists and APPENDIX D for verbatim.

United States Constitution, Amendment I
United States Constitution, Amendment V
United States Constitution, Amendment XIV
United States Constitution, Amendment VII

FEDERAL STATUTES (See Appendix D.)

42 U.S.C. Section 1983
28 U.S.C. Section 1343(3)
28 U.S.C. Section 2106
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FLORIDA STATUTES (See Appendix D.)

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F.S. 286.011

STATEMENT OF THE CASE

Dr. Julia McCain Lampkin-Asam was working as a Substitute Teacher on August 24. 2005, when a 13 year-old student who had been absent returned to the class after being in detention but Dr. Lampkin-Asam was not noticed by the Assistant Principal that a bad behavior student would be returning to the 8th grade math class. While I was teaching and explaining how to do graphs which was the lesson plans the regular teacher wished me to teach, the student hit me with some type of hard object which caused me to start falling towards the floor and I fell into a chair but I did not personally see the student since he was behind me. No teacher can control a student that they cannot see. The problem was there were approximately 30 students in a crowded small portable classroom and the teacher's desk was in the back of the room so I had to go to the front of the room to be near the board so that I could teach the class. If the desk had been in the front of the room which is the best way to have the furniture in a classroom, no student would have been able to go behind a teacher in her desk. It is the duty of an Assistant Principal to see if the furniture in a classroom is set up for safety; a substitute teacher is not suppose to rearrange where the teacher's desk is located.

See Appendix E for Orlando Sentinel, dated November 1, 2005, about the controversy that Mr. Corruthers caused by writing a phantom teacher's evaluation, trying to cover-up a malignant violent

felony crime by a 13-year-old student in the classroom that was unprovoked. The incident happened all of a sudden so no student had time to warn me that a student was sneaking up behind me because no one suspected a student to hit me in the back of my head so hard that I would start falling. I was told that the student left out of the door after it happened but I was hit so hard I did not know at the time what had happened and did not see the student. The Deltona Middle School had been in the newspaper about bad gangs and the other students were scared to be witnesses. However, the next day one of the students told me his first name was David. The sheriff's office number was 05 31030 and the sheriff's office stated it was a "Simple battery" and his first name is David (last name is in record but not suppose to name juveniles) and he is 13 years old and he does have a first name David, according to sheriff's report, which is filed in Deland, Florida.

Mr. Corruthers instead of signing the incident report which he was suppose to sign within 24 hours after an injury, wrote and faxed the same day he was noticed of the incident August 25, 2005, Exhibit 11a, attempting to blame the teacher as to what happened when he did not come into the classroom to observe the teaching of Dr.Lampkin-Asam who was a Rank I teacher since she had received a teaching certificate from the Department of Education from the State of Florida. Also, she was certified in administration and supervision since she had taken a number of educational courses from the University of South Florida and

Dr. Lamplin-Asam knew what the Assistant Principal was suppose to do. Mr. Corruthers was suppose to report the felony to the sheriff. Mr. Corruthers did not report the felony and failed to investigate the violent crime in his school before he wrote Exhibit 11a which stated "Unsatisfactory performance of duties" and "Lack of control of student" Mr. Corruthers made these false statements to cover up the felony crime in Deltona Middle School and these statements were absolutely false making these false, defamatory libelous, and stigmatizing statements in a PHANDOM teacher' evaluation. Mr. Corruthers was committing a crime by trying to protect a teenage criminal from the law enforcement. Dr. Asam reported the felony crime by the student on 9/14/05 and the next day, 9/15/05, Dr. Lampkin-Asam was wrongfully terminated, without a hearing or knowledge she was terminated since the doctors had ordered her not to report to duty until seen by a neurologist and cardiologist because a student hit her in the back of head which caused her to have permanent damages to her head and body. Dr. Lampkin-Asam still has a swollen head at the time of writing this Writ, April 2008. Dr. Lampkin-Asam has a permanent dent in her head and still has the headache and nose bleeds from the incident because she has not been treated medically properly because the Volusia County School Board has not yet paid for the first visit to the Emergency room of the hospital which was necessary on 8/26/05. The nurse Ms. Suzanne

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Evans did not schedule Dr. Lampkin-Asam to see a neurologist until 11/29/05.

Dr. M. Gebel on November 29,2005 wrote a prescription for a MRI with a diagnosis of "HEAD TRAUMA", Exhibit P. Dr. Gebel also gave Dr. Lampkin-Asam a 55% disability at that time, Exhibit X4. However, according to the nurse, Ms. Evans who authorized Dr. Gebel to be paid, Dr. Gebel reduced the 55% to 0% and return to full duty without Dr. Gebel seeing Dr. Lampkin-Asam again and the report was illegally changed to the date 11/29/05 as this date was stated in Exhibit Y1 by Ms. Evans. Therefore, with the change by Dr. Gebel after Ms. Evans, the nurse had him to fill out some papers when she authorizes Dr. Gebel to be paid, Dr. Gebel made an inconsistant statement when his original diagnosis was Head trauma which has been confirmed in the hospital, a concussion in Exhibit O. At that time Dr. Lampkin-Asam was suppose to have a cardiologist to also state return for duty but as of April 2008, no cardiologist has recommended to return to work duty. At the date of Ms. Evans letter, 1/6/06 giving notice of Dr. Gebel's change to full duty without seeing his patient, Dr. Lampkin- Asam again.

Dr. Lampkin-Asam did not know that she had been wrongfully terminated on 9/15/05 the day after she had reported the crime of a felony at Deltona Middle school without any due process or notice of wrongful termination which was a violation of the rights of Dr. Lampkin-Asam's U. S Constitutional rights of life, liberty or property under the 5th and 14th Amendments to U.S. Constitution by Volusia County School Board who paid

her to be a substitute teacher when Corruthers actually was committing a crime by protecting a teenage felony criminal. See Solomon v. Walgreen Co., 975 F. 2d 1086,1085, (5th Cir. 1992). Volusia County School Board violated 42 U.S.C. Section 1983 for the wrongful termination and the criminal cover-up by Mr. Corruthers an official agent of the Volusia County School Board. See Exhibit 11a the false, defamatory, libelous and stigmatizing phantom teacher evaluation of Dr. Lampkin-Asam's Law on Volusia County School Board as a proper Defendant and the officials responsible for Mr. Corruthers illegal and violation of civil rights of Dr. Lampkin-Asam as a substitute teacher that according to the 5th Cir the Solomon v. Walgreen Co. case applies to a substitute teacher with a hourly pay who has Ph.D. with a teaching certificate and other qualifications to teach and experience in teaching in the high school and college level, University of Tampa extension at Homestead Air Force base from 1967 to 1974 should not be mistreated because the Volusia County School Board does not wish to pay for the damages caused while she was teaching. The federal case is not the workers' compensation case in which Ms. Wenzel Gaines is also the lawyer and has made unnecessary delay and cut off illegally Dr. Lampkin-Asam's compensation for WC on 1/9/2006 because she was in conspiracy with Ms. Evans and Dr. Gebel who changed his medical records as stated above since according to an affidavit that Mr. Hood sent to Dr. Asam that Ms. Wenzel (Gaines) is the Administrator for USIS. Exhibit A was in the record below.

After Dr. Lampkin-Asam saw a neurologist in 2008, it was determined that she had residuals from the incident of the following: Post traumatic headache, Post concussion syndrome, Cranial syndrome, Occipital neuralgia, and Post traumatic Vestibuliopathy. Dr. Asam due to head injury walks with cane since she has loss balance. She fell first face into concrete on May 23, 2006 because of loss of balance. She has loss control of her bladder because of the damages to her head. Dr. Lampkin-Asam had a heart attack known as MI on 8/26/05 while an EKG was on because she had a concussion. She also had atrial fibrillation of 137 beats per minute on 8/26/05. On 10/4/05 she still had atrial fibrillation, closed head injury, and memory disturbance. See Exhibit H. In a cath test of her heart she had 50% block of the proximal right coronary artery because of the incident. See Exhibit U3b.

On 8/24/05 Dr. Asam had no heart or concussion before and none of the other technical medical name residuals mentioned because I was hit in the back of the head with a weapon.

The Volusia County School Board and their officials, Named defendants, were given notice of F.S. 770.01 to retract the false, defamatory, libelous, and stigmatizing statements made by Mr. Mark Corruthers in Exhibit I1a to cover-up the crime by a teenage 13 year-old student with a weapon. The school with all those gangs should have a metal detector since no type of weapon should be allowed in any of the schools. Mr. Hood

who was the attorney at the time for the Volusia County School Board, was personally served by me and he personally signed for the notice and ignored the notice in May 3, 2006. If the Volusia County School Board had retracted the false and stigmatizing statements there would have been no lawsuit..

There were irregularities in the U.S. Court of Appeals, 11th Circuit.

Someone changed the style of the case in the Clerk's office and took the word BOARD off the Volusia County School Board to read Volusia County School when no school is named Volusia County School.

The reason the word Board should have been left on the true name of the defendant Volusia County School Board is because of the law available on 42 U.S.C. Section 1983.

Jurisdiction in Federal Court on p. 4 of Amended Complaint: importance of the U.S. Court of Appeals, 11th Circuit should not have deleted the word Board as shown above for the Volusia County School Board, which means Dr. Lampkin-Asam did have sets of facts to justify relief and should have not been dismissed by the lower court or AFFIRMED by the U.S. Court of Appeals, 11th Circuit. The jurisdiction in the federal court comes under 42 U.S.C. Section 1983 as found in Monell v. Department of Social Services of the City of New York, 436 U.S. 658, L. ED. 2d 611, 58 S. Ct. 2018 (1978) which held that local governments, municipals corporations, and school boards (Emphasis added) were "persons" subject to liability under Section 1983.

Also, see Brandon v. Holt, 105 S. Ct. 873 (1985) which held that a suit against a municipal official capacity is tantamount (Emphasis added) to suit against municipality.

The jurisdiction of this federal court is also under the 14th Amendment of the U.S. Constitution for lack of due process and violation of Dr. Lampkin-Asam's rights to life, liberty or property."

Law for Volusia County School Board and through officials of Volusia County School Board, Dr. Margaret A. Smith and Mark Corruthers."

From a reading of Appendix A the January 9, 2008 unpublished opinion it appears that something happened to the Exhibits that were not read in particular since there were 3 bound copies of Exhibits filed with the Second Amended Complaint; however when the record was sent back to the U.S. District Court only 2 volumes were sent back. The instant case was clearly a documented case with signed documents by doctors, hospitals and other officials by the Volusia County School Board.

There were filed three (3) bound volumes of Exhibits on May 3, 2007 with the Second Amended Complaint since a documentary Pleading.

There is no excuse for missing documents in a court. This is the second time in my life that I have personally seen documents missing in a court; see below Dr. Asam was wrongfully disbarred because someone removed a 26-page answer timely filed because the Hon. Judge Jones deemed Dr. Asam disbarred in the Supreme Court of Alabama because of political reasons.

On September 18, 1992 I was personally allowed to practice in the Supreme Court of the United States. I did my best to help my clients. I was the first woman to run for Circuit Judge in Tuscaloosa Count as Democratic candidate in 1992 and later in 1994 and was about to run for the Senate when my opponent and his friends had me wrongfully disbarred because after appealing the case with the Alabama State Bar the Hon. Justice Jones deemed me disbarred since he did not find a 26-page answer to the trumped up charges by a friend to my opponent in the Alabama Bar. (See Asam v. Alabama State Bar, 675 2d 866, 874 (Ala. 1996).

At the same time Hon. Jones was writing for the Supreme Court of Alabama he did have construictive notice of the said timely filed 26-page, answer which was changed in the transcript to Exhibit R-1. I did not know about the Alabama State Bar connected with the machine in Alabama who determine who runs for office. I am mentioning about the Alabama State Bar because Mr. Hood, Attorney for the Volusia County School Board brought the disbarment up in the U.S. District Court but failed to mention about the deeming disbarment trying to smear my reputation to the judge of U.S. District Court in Orlando. Therefore, I showed the actual proof that the said answer was filed as Exhibit J with the stamp of timely filed in the Alabama State Bar and I had a right to bring it up since the adversary lawyer, Mr. Hood, was trying to smear me when I was disbarred for political reasons and the said 26-page answer was missing (inside job) in the Supreme Court of Alabama. See Asam v. Alabama State Bar, 675 So.

See Order dated 4/16/07 p. 2 and 3. Document 82, which states,

> "If she so desires, the Plaintiff will be provided one final chance to draft an amended complaint that satisfies the requirements of the Federal Rules of Civil procedure. The Plainbtiff may file a second amended complaint not more than 20 days from the entry of this order. The Defendants need not respond to that pleading, or to any motion filed in the interim, until directed do so by this Court."
>
> DONE AND ORDERED in Chambers. Orlando, Florida on April 16,2007."
>
> /s/ Gregory Presnell
> GREGORY PRESNELL
> UNITED STATES DISTRICT JUDGE

One volume of Exhibits that documented the Second Amended Complaint disappeared in the U.S. Court of Appeals 11th Circuit since only two (2) volumes of exhibits were returned to the U. S. District Court. This means that a de novo review could not have been properly completed because there was no Shotgun Pleading since documentary pleading. See APPENDIX F.

Amended Complaint seems to have not been read whoever wrote the opinion of the U.S. Court of Appeals. 11th Circuit.

See Motes v. Myers, 810 F. 2d 855,

> "Civil rights plaintiff must establish both deprivation of right secured by the United States Constitution or federal laws and by defendant under color of state laws. 42 U.S.C. Section 1983."

Dr. Lampkin-Asam has met both of these elements. See first three pages which are a Summary of the Count I and 6 claims against the Volusia County School Board, a public state school Board

Corruthers wrote a phantom teacher's evaluation when he never came into her classroom for any teacher evaluation to cover-up for a malignant violent crime of felony by a student unprovoked in Deltona Middle School one of the Schools controlled by Volusia County School Board for whom Dr. Lampkin-Asam worked for. See Exhibit IIa the phantom teacher evaluation which was false, defamatory, libelous, and stigmatizing designed to prevent Dr. Lampkin-Asam to never receive a job again or cancer grant again when she is a Cancer scientist with 31 lymphoma and cancer publications in medical journals and books and the developer of the model P1798 lymphomas Sensitive and Resistant to Steroids, now used in many laboratories in the world, when she had a National Foundation Pre-doctoral Fellowship at the National Cancer Institute through the George Washington University where she obtained her Ph.D. in Oncology for her Dissertation, with majors in Biochemistry, Physiology, Pharmacology and Endocrinology. I was working as a substitute teacher to have money to publish on Cancer Research that should be done in the future since money is short for research when the war is continued. Now the Volusia County School Board has been blocking cancer research since when I was hurt-- one of medical records said I had memory disturbance which happened to be on radiation protection which I was writing at home before I was hit in the back of my head on August 24, 2005 at school.

Judge Presnell stated on p. 2 of his order on pp. 2 and 3 of his order in document 88:

> "Under the Federal Rules of Civil Procedure, a defendant faced with a shotgun complaint is not expected to frame a responsive pleading. Rather, the defendant is expected to move, pursuant to Rule 12(e) to require The plaintiff to file a more definite statement."

See Friedlander v. Nims, 755 F. 2d 810 which states,

> "A complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that plaintiff can prove no set of facts in support of his claims which would entitled him to relief. Fed. Rules Civ. Proc. Rule 12(b)6 28 U.S.C.A.

U.S. Court of Appeals, 11th Circuit, stated in same case, p. 7 in final opinion January 9, 2008, "Friedlander v.Nims, 766 F. 2d 810, 811, 813-14 (11th Cir. 1985) concluding that dismissal with prejudice was appropriate where the district court gave "specific and repeated warnings." which went ignored by the plaintiff, that the complaint required amendment).

The point is the Plaintiff did make amendments both times and apparently the Judge of the lower court had already planned to rule in his court "sua sponte, in his first sentence of his Order May 31, 2007 when he told the Defendant attorneys not to respond as stated above. The Second Amended Complaint was not a Shotgun Pleading since the

pleading was documented with Exhibits and there were sets of facts showing relief should have been granted and case should have not been dismissed.

In my opinion, the lower court judge showed bias towards the plaintiff when he told the Defendant attorneys not to respond to the Second Amended complaint so the judge could rule "sua sponte, thus, violating Dr. Lamplin-Asam's right to a jury trial. See right to a jury trial in Amendment VII.

The U.S. Court of Appeals, 11th Circuit stated "We review de novo the district court's order dismissing Lampkin-Asam's complaint.". is a false statement in the instant case.

One volume of Exhibits that documented the Second Amended Complaint disappeared in the U.S. Court of Appeals 11th Circuit since only two (2) volumes of exhibits were returned to the U. S. District Court. This means that a de novo review could not have been properly completed because there was no Shotgun Pleading since documentary pleading. See APPENDIX F.

The doctors recommended to be off duty until neurologist and cardiologist stated I was able to go back to work. Cardiologist has not recommended to return to work yet. As to the first neurologist, Dr. Gebel see Count 3 of Amended Complaint. Lampkin-Asam's head is still swollen and she always has a headache. An expert neurologist found that Dr. Lampkin-Asam now has Post traumatic headache, Post concussion syndrome, Cranial Syndrome, Occipital neuralgia, and Post traumatic Vestibuliopathy.

The instant case was not reviewed de novo because Dr. Lampkin-Asam was a victim of a crime, a felony, and sustained permanent damages to her head and body; therefore, she should be reviewed as a Pro Se since she is a wounded lawyer. See Appendix C and note that Dr. Lampkin-Asam did meet the requirements of Federal Rule of Civil Procedure 8(a)2 because the first 3 pages of the Second Amended Complaint are a summary of the Count and claims against the Volusia County School Board. It was not incorrect to start out with Volusia County School Board is liable since the Board is responsible for the acts of its officials - the named defendants. See Monell and Brandon cited above.

See Valerama v. United States of America, 417 F. 3d 1189, (11th Cir. 1005, which states about due process under the 5th Amendment to the U.S. Constitution:

> "Individuals whose property interest are at stake due to government actions are entitled. under the due process clause, to notice of the proceedings and an opportunity to be heard." U.S.C.A. Const. Amend. 5."
>
> ..."The notice necessary to satisfy due process , when individual property interest are at stake, due to government actions, requires only the interested persons to be given notice, reasonably calculated under all the circumstances, to apprise interested Parties of the pendency of the action and afford them the opportunity to present their objections. U.S.C.A. Const. Amend 5"

found a concussion, and automatically put a person with a concussion on a monitor, EKG, and Dr. Lampkin-Asam had a heart attack while on the EKG known as a MI which printed right on the EKG and showed heart beat of 137 beat per minute and is known as atrial fibrillation as well as pvc's and other heart problems. The Volusia County School Board has not yet paid this hospital bill when Ms. Wenzel (Gaines) is the administrator for the USIS, insurance company for the school and is defendant and attorney for the Volusia County School Board. The date of the first ER Hospital bill is 8/26/05. The hospital record confirmed on 8/26/05 that Dr. Lampkin-Asam's face was swollen with the left eye smaller than the right eye. Dr. Lampkin-Asam presented picture before the date with nothing wrong with her eyes. She did not have any heart problems or a concussion before being hit in the head. Picture 1 was in the files presented in the U.S. District Court and the U.S. Court of Appeals, 11th Circuit.

The U.S. C of Appeals stated "alledged" which is false when they were supposed to have exhibits and pictures from the lower court that show damages. One volume missing when sent to lower court only 2 volumes back to lower court. See Appendix F.

A cardiologist after a cath test stated Dr. Lampkin-Asam had 50% remaining in right proximal coronary artery of the heart after 8/24/05.

On 9/14/2005 Dr. Lampkin-Asam reported the crime of felony that occurred on August 24, 2005 to the Sheriff that called the incident "Simple Battery" The next day, 9/15/2005 (See Exhibit A1a) Dr. Lampkin-Asam was wrongfully terminated as a Substitute teacher because she was hit in the back of her head by student with a weapon while teaching. See Statement of Case. School retaliated by wrongful termination after Dr. Lampkin-Asam reported an illegal act by Mr. Corruthers trying to COVER-UP a crime of felony of a student intentionally hitting a teacher with a weapon (hard object-metal) in the back of her head while she was teaching to cause her to immediately start falling towards the floor and she fell into a chair. See sheriff record 05 -31030 filed 9/14/05 in Deland, Florida.

See Solomon v. Walgreen Co., 975 F. 2d 1086,1089, (5th Cir.) 1992.

> "In the absence of employment contract, the Mississippi Supreme Court created two exceptions to this long standing rule on employee could have a cause of action for wrongful termination if he is fired, (1) refuseing to commit an illegal act or (2) or reporting his employer's illegal act."

In the instant case Dr. Lampkin-Asam reporting the illegal act of Mr. Corruthers not doing his duty of reporting a crime of felony with his illegal act to cover-up violence in his school.

When Mr. Corruthers was claiming four (4) days when no longer in that 8th grade but teaching in 7th grade since she was transferred. was also false statement by Mr. Corruthers, especially since incident happened only on August 24, 2005.

2. "Lacks control of student conduct" -- no letter "s" on student when Dr. Lampkin-Asam never saw the student sneaking up behind her and she can not control someone she can not see.)

See Exhibit (11a) stated on the same day of the fax by Mr. Corruthers stated: ...

> "August 25, 2005
> Julia L. Asam ...
> "It was alleged on a Substitute Teacher Incident Report submitted by Ad,minis-tration at Deltona Middle School that on dates August 22-25, 2005 [false since had been transferred to 7th grade math on August 25..2005] there was unsatisfactory performance of duties.' "
>
> "Please be advised that if any additional re-ports of unsatisfactory performance of sub-stitute teaching duties, will result in the removal of your name from the School District of Volusia County's list of approved substitute teachers."...

BEST AVAILABLE COPY

/s/ Larry Lewis
Director of Personnel Services
Personnel Services"

Cc: Mark Corruthers, Assistant Principal
Personnel File"

Mr. Corruthers was impeached with Exhibit L which showed that Dr. Lampkin-Asam was following what the regular teacher had left for lessons plans. Therefore, Mr. Corruthers not only wrote a false, defamatory, libelous per se and stigmatizing teacher's evaluation of her but also wrote a phantom teacher's evaluation because he failed to be in her classroom to observe her teaching. Mr. Corruthers being official of the Volusia County School Board according to the Law presented in Question Presented I, Dr. Lampkin-Asam met the elements in law and facts and met the procedural rule of Rule 8 (a) 2 and the U.S. Court of Appeals clearly erroneously ruled Affirmed.

Necessary to present some of the facts since one volume of exhibits was missing when the U.S. Court of Appeals return the two exhibits instead of three groups of exhibits to the U.S. District Court , Orlando Division -- see Appendix F.

Corruthers wrote the false letter (Ex 11a) 8/25/05,the document (11a) , a public record, false and showing "Stigma Plus" against Dr. Lampkin-

Gilder-Lucas v. Elmore Count Board of Educ. 399 F. Supp. 2d 1267, 2005, WL 302824, 205 Ed. Law Rep., M.D. Ala., October 2005.

"To establish that a due process was protected liberty interests was violated by stigmatizing charges made as part of public employee's nonrenewal of employment, employee must show: (1) a false statement (2) of stigmatizing nature (3) attending government employee's discharge (4) was made public [published by school when Larry Lewis made cc: of false letter by Mr. Corruthers (Exhibit I1a) to Dr. Asam's Personnel file and then the press reviewed the public record and wrote Appendix E] (5) by the governmental Employer (6) without a meaningful..."

See Federico v. Board of Educ. Of Schools of Tarrytowns, 955 F.Supp. 1997 WL, 37409, 116 Ed. Law Rep. 969, S>.D.N.Y., January 23, 1997.

On Section 1983 claim based on due process with respect to allegedly defamatory statements of school officials, Plaintiff, teacher is required to prove: that officials published stigmatizing information which is at least arguably false; and as a result of stigma, he has been foreclosed from range of other employment opportunities. U.S.C.A. Const. Amend. 14 42 ...'

See Wood v. Dollar Rent-A-Car Systems, Inc. 128 Fed. Appx. 620,2005 WL 902093., C.A. 9 (Cal.) April 20, 2005.

> "Where a plaintiff alleges that she was terminated for unlawful reasons, courts will not accept a reduction in force as the conclusory explanation for the employment's termination. Here, Wood's claim that Dollar interfered with his FMLA/CFRA rights is tied to age discrimination and retaliation ...claims...reverse and remand...wrongful Termination in violation of public policy and CUFA claims depend on age discrimination and retaliation claims ... reverse"

Mr. Corruthers false and stigmatizing statements were responsible for the wrongful termination of Dr. Lampkin-Asam after she was hit in the back of head by a student with a weapon because Mr. Corruthers attempted to cover-up the violence in the school. See Exhibits I1a and I2a.

See Brammer-Hoelter v. Twin Peaks Charter Academy, 81 F. Supp. 2d 1090, 2000 97058, 141 Ed. Law Rep. 762., D. Colo., January 25,2000.

"In order to show deprivation of liberty interest under Section 1983, public employee must show that government published false and stigmatizing information about them in connection with adverse action taken against them."

Counts 2-6 in the second amended complaint none of the defendants came under 42 U.S.C. Section 1983 as they tried to pretend to dismiss the original and first amended complaint. For the Second Amended Complaint, see Appendix G showing the Hon. Judge Presnell in his order 4/16/07ordered the Defendants not to respond to the Second Amended Complaint until he said so because he wished in advance to rule sua sponte.

The defendants as stated in Counts 2-6 of the Second Amended Complaint violated the 14th Amendment to the U.S. Constitution as to life, liberty or property.

See Austin v. Board of Ed. Of Georgetown Community Sch. Dist. No. 3 of Vermillion County, Illinois, 562 F. 2d 445., C.A. F. (Ill), September, 21 1977.

> "question whether failure to rehire was such a deprivation of liberty interest as to authorize federal court to order reinstatement and back pay, assuming that teacher was competent teacher, could not be made. Reversed and remanded."

The Solomon v. Walgreen Co. applies to Dr. Lampkin-Asam since she was on hourly pay as a Ph.D. Rank I teacher because she was 74 years of age and did not have a contract so the (2) "or reporting his employer's illegally act" of Corruthers protecting from law enforcement a teenage student criminal who intentionally hit a substitute teacher while she was teaching.

Mr. Corruthers had duty to report the felony crime but chose to create a controversy to cover-up the malignant felony in the Deltona Middle School .

The disputed facts should have been by a jury trial instead of a bias judge pretended "Shotgun Pleading" when the instant case does not fit the definition of a "Shotgun Pleading" when documented with Exhibits that disappeared in the U.S. Court of Appeals, 11th Cir. Since appeals court only returned 2 volumes of bound exhibits to U.S. District Court when there were 3 volumes of exhibits without tabs of index filed with the Second Amended Complaint. Further, the U.S. Court of Appeals did see the exhibits but sent a copy that I sent as an Addendum because I wrote a index to help the Honorable Judges of the U.S. Court to find the Exhibits but the Motion for Leave ... to file this Motion to allow the Addendum was denied and I received a stamped copy in the mail from the U.S. Court of Appeals, 11th Cir. that I sent with tabs with an index. The volume of the exhibits that is missing was bound with no Tabs on but had Exhibits that could be found without an index but I filed the Addendum since I did not know that I had to file a Motion for leave to file the Addendum which I did and it was denied and sent back to me but has the stamp of the Atlanta Court on it which I can send to the Supreme Court of the United States if a copy is requested. All the defendant's attorneys already have a copy of the indexed exhibits since I sent them a copy at the same time that I sent the copy of the said index copy to the U.S. Court of Appeals, 11th Circuit. See Appendix. F.

Another irregularity in this case is the fact of Ms. Wenzel Gaines is a Defendant as stated in Count 6 and attorney for Volusia County School Board which gave her the motive to fabricate her writing of the Appellee Brief. Ms. Wenzel Gaines pretended the instant federal case was an "industrial" accident when the case is concerned with a public school having an unsafe school without metal detectors.

Ms. Wenzel Gaines wrote the Appellee Brief in which she fabricated 11 times in the Appellee Brief stating **falsely** that the Defendants were the Appellants when they were never Appellants and including making the false statement in her conclusion of the Appellee Brief in my opinion is a pattern of activity and a violation of Rule 4.3.3 Florida Rules of Professional Conduct [a] lawyer shall not **knowingly ... make a false statement of material fact or law to a tribunal."**

The Florida Bar number is Case No. 2008-30,949(07A). Ms. Wenzel Gaines answered "I acknowledge after reviewing the answer brief, I inadvertedly referred to defendants on several occasions."...The Florida Bar did not charge Ms. Wenzel Gaines for ethics violation since the U.S. Court of Appeals ruled wrongly AFFIRMED. In my opinion Ms. Wenzel Gaines lied to the Florida Bar because she stated a lie 11 times and surely this is a pattern of lying and not just making the said lying statement several times.

The merits of this case has never been reviewed or ruled on. Further, no Defendants have answered any complaint. See Appendix what the Hon. Judge said about the Defendants not to respond to the Second Defendant Complaint. See Appendix

No de novo has been done. Dr. Lampkin-Asam who was the victim of the felony on August 24, 2005 and has been wrongfully considered at a excessively higher standard than a pro se as lawyer, when she has permanent damages to her head and body as stated above..

To Sum: the instant case should be remanded to the U.S. District Court Middle District of Florida, Orlando Division, for Trial by a Jury of Disputed Facts after the Defendants have answered the Second Amended Complaint. A different unbiased judge should be appointed for the U.S. District Courtso a fair trial by a jury of disputed facts can be completed.

VIII. REASONS FOR GRANTING THE PETITION.

See Solomon v. Walgreen Co., 975 F. 2d 1086,1089, (5th Cir.) 1992.

> "In the absence of employment contract, the Mississippi Supreme Court created two exceptions to this long standing rule on employee could have a cause of action for wrongful termination if he is fired, (1) refuseing to commit an illegal act or (2) or reporting his employer's illegal act."

In the instant case Dr. Lampkin-Asam reporting the illegal act of Mr. Corruthers not doing his duty of reporting a crime of felony with his illegal act to cover-up violence in his school.

Mississippi law by Appellate Court, Mississippi Supreme Court law is inconsistent concerning a person working on an hourly basis as a substitute teacher being wrongfully terminated without due process of life, liberty, or property as to the Fifth Amendment to U. S. Constitution when the administrator, Assistant Principal of Deltona Middle School, Mr. Mark Corruther, acting as an official of the Volusia County School Board committed a criminal act by covering-up a crime of felony by a 13-old student with a weapon hitting Dr. Lampkin-Asam, a substitute teacher, in the back of her head while she was teaching math at Deltona Middle School under the Control of Volusia County School Board.

The jurisdiction in the federal court comes under 42 U.S.C. Section 1983 as found in Monell v. Department of Social Services of the City of New

York, 436 U.S. 658, L. ED. 2d 611, 58 S. Ct. 2018 (1978) which held that local governments, municipals corporations, and school boards (Emphasis added) were "persons" subject to liability under Section 1983.

Also, see Brandon v. Holt, 105 S. Ct. 873 (1985) which held that a suit against a municipal official capacity is tantamount (Emphasis added) to suit against municipality.

The jurisdiction of this federal court is also under the 14th Amendment of the U.S. Constitution for lack of due process and violation of Dr. Lampkin-Asam's rights to life, liberty or property."

The Petitioner, Dr. Lampkin-Asam has summarized the important law because clearly the first three (3) pages of the Second Amended Complaint presented sets of facts that would justify with the law presented that the Writ should be granted and a merits brief should be allowed to be written with oral argument allowed. Also, see cases presented Motes v. Myers, 810 F. 2d 1055, (11th Cir., 1987); and Friedlander v. Nims 755 F. 2d 810, 811, 813-814, (11th Cir. 1985).

2. The instant case could be attempted murder ONE SINCE CLEARLY ACCORDING TO Sheriff record filed in Deland, Florida for the incident of August 24, 2005 since an intentional act since the student who brought a weapon to the school clearly intended to hit a teacher when he was unprovoked. The public is concerned by the killing of students, teachers and administrator both on the high school, and at universities and

now on March 14, 2008 on television and on March 15, 2008 reported in the Orlando Sentinel, that "the boy threatened to lock the cafeteria doors during one of the lunch periods and shoot everyone inside."

The three 13 year-old seventh grade students who plotted the school shooting, ... "threaten to shoot as many students as possible and then kill themselves. ..."

'called a 'plot' after one of the teens posted on the MySpace page a picture of a tombstone , satanic references and admiration for the shooters in 1999 massacre at Columbine High School in Colorado"...

From first page of Orlando Sentinel, Local and State, with title of "Cops: 3 teens plotted school shooting" with subtitle:" The 13-year-olds allegedly tried to get a gun to kill Deland Middle School students, then themselves"...

Dr. Lampkin-Asam also has personally been a substitute teacher at Deland Middle School which is under control of Volusia County School Board for whom she worked from 2001 to August 25,2005 and eaten in the cafeteria but nothing happened while she was a teacher at Deland Middle School.

CONCLUSION:

The Petition for Writ of Certiorari should be granted.

Respectfully submitted,

Julia McCain Lampkin-Asam

Date

Julia McCain Lampkin-Asam, Ph.D.,J.D., Pro Se Petitioner
Substitute teacher and Cancer Scientist
3240 Tealwood Terrace
Deltona, Florida 32725
(386) 532 6270

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 07 12704
Non Argument Calendar

D.C. Docket No. 07 00116-- ORL-31 DAB

JULIA McCAIN LAMPKIN-ASAM, Ph.D.,JD
Plaintiff-Appellant
Versus
VOLUSIA COUNTY SCHOOL BOARD
JUDY ANDERSON Chairman,
DR. AL WILLIAMS. Chairman,
Volusia County School Board,
DR. MARGARET A. SMITH, Superintendent
Volusia County School Board,
MARK CORRUTHERS, Assistant, Principal,
Deltona Middle School Board,
TAMARA E.WENZEL., Esquire ["at"] Smith,
Hood, Perkins, Loucks, Bigman, and
Brock, P.A. ["attorneys for Volusia County
School Board,"] 1a
DR. MICHAEL GEBEL, DR. BRUCE HOFFEN,
UNITED SELF INSURED SERVICES, CEO,
USIS, SUZANNE EVANS, R.N.,USIS
Defendants-Appellees

1a Tamara E. Wenzel (Gaines) was properly served as Tamara E. Wenzel, Esquire, Smith. Hood. Perkins, and firm and signed for on 1/26/07 and on p. i of Appellant Brief.

APPENDIX A

Unpublished and Stamped "Filed in U.S. Court of Appeals Eleventh Circuit January 9, 2008 Thomas K. Kahn Clerk"

Before ANDERSON, CARNES and HULL, Circuit Judges.,

PER CURIAM

Appeal from the United States District Court
For the Middle District of Florida

(January 9, 2008)

Julia McCain Lampkin-Asam appeals the district court's sue sponte dismissal of her second amended complaint for violating the command of Federal Rule of Civil Procedure 8(a)(2) that her complaint contain "a short and plain statement of the claim(s) showing that (she) is entitled to relief." Lampkin-Asam commends that her complaint complied with Rule 8 and that the district court held her to an excessively high standard, as she is a pro-se litigant.

I.

Lampkin- Asam according to her complaint, a substitute teacher, a "cancer scientist," and a former attorney.[1] In her second amended complaint which sought relief under 42 U.S.C. Section 1983, Lampkin-Asam alleged that, while she was a substitute math teacher at Deltona Middle School , a student came up behind her and hit her in the

[1] Lampkin-Asam is a former member of the Alabama State Bar. See Asam v. Alabama State Bar, 675 So. 2d 866, 878 (Ala. 1996).

back of the head with a weapon, causing permanent damages to her head and body.

She named several defendants, including (1) the Volusia County School Board; (2) Dr. Margaret Smith, the Superintendent of the School Board; (3) Tamara Wenzel, an attorney for the School Board, (4) Mark Corruthers, the assistant principal of Deltona Middle School; (5) Dr. Michael Gebel; (6) Dr. Bruce Hoffen; (7) United Self Insured Service (USIS); and Suzanne Evans a nurse with USIS. The Complaint alleged among other things; that those defendants violated her Fourteenth Amendment due process rights.

Before dismissing Lampkin-Asam's second complaint, the district court had dismissed two prior versions of the complaint for violating Rule 8.The first time, the defendants moved to dismiss the complaint, asserting that it was so full of "comprehensible allegations" that it was impossible to formulate an answer. In dismissing Lampkin-Asam 's initial complaint, the district court agree3de with the defendants, and observed that the complaint was "disjointed, repetitive, disorganized and barely comprehensible." The district court also noted that because the complaint grouped several claims under each "count" it was not possible to "decipher which claims [were] brought against which parties under which counts." The district court dismissed that complaint without prejudice, giving Lampkin-Asam twenty days to file an amended complaint.

She re-filed her complaint, adding additional "counts" and "claims" but in the district court's estimation, she again failed to comply with Rule 8.

The court characterized that first amended complaint as a "shotgun pleading." and concluded that it was still "disjointed, disorganized, repetitive and barely comprehensible." Accordingly, the district court dismissed it, giving her twenty days to exercise a "final chance" to re-plead.

Lampkin-Asam took advantage of the opportunity to plead her complaint again. Her second amended complaint contained six "counts," each comprised of various "claims. Almost every count with the phrase, "Volusia County School Board is liable", followed by a string of factual allegations. Five of the named defendants were not mentioned at all in any of the counts and claims. The complaint also included seventeen pages of numbered paragraphs, each containing scattered and sometimes inconsistent references to counts and claims presented at the beginning of the complaint. In its order addressing her second amended complaint, the district court described it as a "labyrinth of claims, counts, accusations, and repetitions." Because the court concluded that once again failed to comply with Rule 8, and because the court had warned her that her second amended complaint would be her last, it dismissed her second amended complaint with prejudice, . Lampkin-Asam appealed.

II.

We review de novo the district court's order

dismissing Lampkin-Asam's complaint. See Valderrama v. United States, 417 RF. 3d 1189.1194 (11h Cir. 2005). While a trial judge is to employ stringent standards in assessing pro se pleadings ... than would be used to judge final product of lawyers." Hepperle v. Johnton 544 F. 2d 201, 202 (5th Cir. 1976),[2] this does not permit the district court to act as counsel for a party to rewrite deficient pleadings. GIR Invs. V County . Escambia, Fla. 132 F. 3d 1359 (11th Cir. 1998); see also McNeal v. United States, 508 U.S. 106, 113, 113 S. Ct. 1980, 1984 (1993) ("We have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel.").

In fact, we have recently observed that district courts have a "supervisory obligation," under Rule 12(e), . . to sua sponte direct a plaintiff to better plead his complaint "when a shotgun complaint fails to adequately link a cause of action to its factual predicates." Wagner v. First Horizon Pharm. Corp. 464 F. 3d 1273, 1275 (11th Cir. 2006).

A complaint that fails to articulate clarity to allow the defendant to frame a responsive pleading constitutes a "shotgun pleading." Byrne v. Nezhat , 261 F. 3d 1075, 1128-29 (11th Cir 2001). Pleadings of this nature are prohibited by Rule 8(a)2), which requires a claim for relief to be "a

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2 In Bonner v. City of Prichard, 661 F. 2d 1206, 1209 (11th Cir. 1981) (en banc). We adopted as binding precedent all decisions of the former Fifth Circuit that were rendered prior to October 1, 1981.

short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2).

After our own review of Lampkin-Asam's second amended complaint, we agree with the district court that it is confusing, incoherent, and clogged with seemingly irrelevant factual allegations. In it, Lampkin-Asam alleges the same facts repeatedly, and much of it is devoted to matters entirely outside the scope of this action. Because Lampkin-Asam failed to set forth in her second amended complaint a "short and plain statement of [her] claim" showing that she was entitled to relief, it does not pass muster under Rule 8. The district court provided Lampkin-Asam with two opportunities to correct the problem, and because she failed to do so, dismissal with prejudice was appropriate.

Lampkin-Asam 's contention that the district court held her to a higher standard than a typical pro-se plaintiff because she is a former attorney is no moment. The district court gave her two

outside the scope of this action. Because Lampkin-Asam failed to set forth in her second amended complaint a "short and plain statement of [her] claim" showing that she was entitled to relief, it does not pass muster under Rule 8. The district court provided Lampkin-Asam with two opportunities to correct the problem, and because she failed to do so, dismissal with prejudice was appropriate.

Lampkin-Asam 's contention that the district court held her to a higher standard than a typical pro-se plaintiff because she is a former attorney is no moment. The district court gave her two

opportunities to amend her complaint and she faile3ed 15a to correct the deficiencies in it. Such leniency would have been sufficiency even if Lampkin-Asam was a typical pro se litigant, which she is not . Cf Frendlander v. Nims, 755 F. 2d 810-811, 813-14 (11th Cir. 1985) including that dismissal with prejudice was appropriate where the district court gave "specific repeated warnings," which went ignored by the plaintiff, that the complaint required amendment). Moreover, even if the district court had held Lampkin-Asam to a higher standard, we would not reverse. [These Hon. Judges of the U.S. Appeals Court, 11th Circuit were prejudiced to a lawyer that was working as a substitute teacher and was wounded as a victim because the Volusia County School Board did not provide safety for teachers or students because there was no metal detector to prevent weapons on school campus and this opinion appears to be written by someone who does not understand school law .] We give a "liberal" reading to pro-se filings because those litigants lack formal legal training. See GIR Ins., 132 F. 3d at 1369 ("Courts do and should show a leniency to pro-se litigants not enjoyed by those with benefit of a legal education." Lampkin-Asam, as a former attorney and person who possess formal legal training. should have been able to draft a complaint that complies with Rule 8.

AFFIRMED.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

ORLANDO DIVISION

JULIA McCAIN LAMPKIN-ASAM
Plaintiff,

vs.

Case No.6:07-cv-116-Orl-31-DAB

VOLUSIA COUNTY SCHOOL BOARD, JUDY ANDERSON, DR. MARGARET A. SMITH, TAMARA E. WENZEL, MARK, CORRUTHERS, DR. MICHAEL GEBEL, DR. BRUCE HOFFEN, UNITED SELF INSURED SERVICE , SUZANNE EVANS, AND DR. A.L WILLIAM
Defendants

ORDER

This matter comes before the Court *sua sponte.* On Januay 24, 2007, the Plaintiff , Julia McCain Lampkin-Asam ("Asam"), acting pro se filed suit against the Volusia ounty School Boardand others. (Doc. 1) Her thirty-four page complaint alledged "counts" each containing multiple claims. Doc. 1)/ On March 1, 2007, the Court dismissed the complaint on the grounds that it was "disjointed, repetitive, disorganized, and barely comprehensible." (Doc. 46 at 1). Asam was ordered to create a

more plain and coherent complaint, one that satisfied the requirements of Rulr 8 (Doc. 46 at 2).

On March 19, 2007, Asam filed an amended com-Plaint (Doc. 60). Though trimmed by several pages and rewritten, the amended complaint suffered from the same major shortcomings of its predeces-sors - I.e. that it is disjointed, repetitive. Disorganized and barely comprehensible. Now up to six counts, the amended complaint contained numerous claims interspersed with photocopied document excerpts and immaterial factural alle-gations. The Court dismissed the amended complaint as an unacceptable shotgun pleading and gave Asam one final chance to draft a complaint that satisfied the requirement of the Federal Rules of Civil Procedure (Doc. 82 at 2) .On May 3, 2007, Asam filed a second amended complaint. (Doc. 83)

II. Standards

Shotgun Pleadings

Generally speaking shotgun pleadings "are those that incorporate every antcedent allegation by reference into each sequent claim for relief or affirmative defence." Wagner v. First Horizon Pharmaceutical Corp., 464 F. 3d 1273, 1279 (11th Cir. 2006). Shotgun complaints

> invariably begin with a ling list of general al-legations, most of which are immaterial to most of the claims for relief. The general alle gations are incorporated by reference into each count of the complaint, the complaint followed by an answer that responds to each and every statement. If the trial judge does not quickly demand repleader all is lost - ex-tended and largely aimless discovery will commence and the trial court will soon be

> drowned in an unchartered sea of depositions, interrogatories, and affidavits.

Johnson Enterprise of Jacksonville, Inc. FPL Group, Inc. 162 F. 3d 1290, 1333 (11th Cir.) 1998.

> [I]t is much easier in the short term to permit shotgun pleadings - in the hope that the parties will settle their dispute - instead of intervening *sua sponte* to narrow the issues. In the long run, however, the judicial work that results from shotgun pleadings is the more time consuming than the work required up front to prevent to prevent the case from proceeding beyond the issues are reasonably well defined. As we have prepiously stated, and state once again, district courts have the power and the duty to define the issues at the earliest stages of litigation.

Under the Federal Rules of Civil Procedure, a defendant faced with a shotgun complaint is not expected to frame a responsive pleading. Rather, the defendant is expected to move, puraunt to Rule 12(e) [1] to require the plaintiff to file a more definite

---

[1] Rule 12(e) states: " If a pleading to which a responsive pleading is permitted is as vague or ambiguous that a party may not be reasonably be required to frame a responsive pleading , the party may move for a more definite statement before interposing a responsive pleading. The motion should point out the defects complained of and the details desired If the motion is granted and the order of the court not obeyed within 10 days after notice of the order or within such other time as the court may fix, the court may strike the pleading to which the motion was directed or make such an order as it deems just."

statement. Anderson v. Board of Trustees of Cent. Florida Community College, 77 F. 3d 364, 366 (11th Cir. 1996).

If, in the face of a shotgun complaint, the defendant does not move the district court to require a more definite statement, the court, in the exercise of its inherent power, must intervene *sua ponte* and order a repleader. Byrne v. Nezhat 261 F. 3de 1075 , 1133 (11th Cir. 2001).This duty to intervene *sua ponte* applies whether the court is faced with a shotgun complaint or a shotgun answer. Id. at 1133 n. 114.

> Shotgun pleadings, if tolerated, harm the the court by impeding its ability to administer justice. The time the court spends managing litigation framed fr m shotgun pleadings should e devoted in other cases waiting to be heard. Wasting scarce judicial and parajudicial resources impedes the due administration of kjustice and, in a real sense, amounts to obstruction of justice.

Byrne v. Nezhat, 261 F. 3d 1075,1131 (11th Cir. 2001) (internal quotation omitted).

III. Analysis

Despite repeated admonitions from the Court to provide a shorter, more coherent complaint, Asam's second amented complaint is a 26 [24, added] -page labyrinth of claims, counts, accusations, and repetition. 2 As an example, what follows is paragraph 73 of the second amended complaint:

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[2] Although proceeding *pro se* the Plaintiff claims to hold both Ph D. and J.D. degrees. As a "substitute teacher and cancer scientist," she ostensibly has the education, training and experience to be capable of drafting a coherent complaint.

> Ms. Wenzel as an attorney for the Volusia County School Board that a teacher had the right to attend a meeting (deposition) about her otherwise, [sic] the teacher did not have due process under the 14th Admendment to the U.S. Constitution as to life, liberty, or property as well .as violation of equal protection of the law. Also, the sunshine law was violated by Ms. Wenzel. Ms. Wenze3l asked about "depressed and "anxious" of Dr. Asam on cross-examionation when not mentioned on direct , when Dr. Asam was suppose to see Dr. Hoffen as a neurologist, and not a psychiatrist, and she did not know about Dr. Hoffen being a psychiatrist until after the medical office visit which was authorized by Ms. Suzanne Evans. See Exhibit B by Ms. Evans in Count 2 which means that the USIS was to pay Dr. Hoffen. See Dr. Hoffen's business card, showing both neurologist and psychiatrist when I was only to see a neurologist.

(Doc. 83 at 16). Altough that paragraph is a bit longer than average, it is notheless typical of the 26 [24] pages of the second amended complaint. As should be obvious, litigation framed by such a pleading would certainly "wast[e] scarce judicial and parajudicial resources, impede the due administration of justice." and, in a very real sense, amount to obstruction of justice.

/s/ Gregory Presnell
GREGORY PRESNELL
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

OTLANDO DIVISION

CASE NO,.6:O7-cv-116-Orl-31-DAB

Dr. Julia McCain Lampkin-Asam
Plaintiff

Against

Volusia County School Board, Judy Anderson, and
Dr. Al Williams, Chairman,
Dr. Margaret A. Smith, Superintendant of Schools,
Volusia County School Board,
Marl Corruthers, Assistant Principal, Deltona
Middle School, Volusia County School Board,
Tamara E. Wenzel, Esquire, Smith, Hood, Perkins.
Loucks, Stout, Bigman, Lane, and Breck, P.A.
Dr. Michael Gebel ,
Dr. Bruce Hoffen,
USIS, United Self Insured Services, CEO,
USIS, Suzanna Evans, RN.

Request for Jury Trial
Request for Oral Argument
Julia McCain Lampkin-Asam, Pro Se /s/
Julia McCain Lampkin-Asam, Ph.D.,J.D.
3240 Tealwood Terrace
Deltona, Florida 32725
Phone (386) 532 6270

APPENDIX C

SECOND AMENDED COMLAINT
(A Documentary)

Count 1

Claim 1a

Volusia County School Board as a defendant owes D. Lampkin-Asam medical expenses for being hit by a student with a weapon in the back of her head for resulting permanent damages to her head and body.

Claim 1b

Volusia County School Board is liable to Dr. termination of employment as a substitute teacher owes Dr. Lampkin-Asam forward of what she would earn at the current and future amount of a substitute would make as a Ph.D.

Claim 2

Volusia County School Board is liable to Dr. Lampkin-Asam for wrongful; termination of employment as a substitute teacher.

Claim 3

Volusia County School Board is liable because Dr. Margaret Smith failed to investigate the incident of a felony crime at Deltona Middle School that happened on August 24,2005, causing damage to Dr. Lampkin-Asam who has not yet had her ER Hospital bill paid since 8/26/05.

Claim 4

Volusia County School Board is liable because Dr. Margaret Smith failed to investigate the false, defamatory, libelous, and stigmatizing statements sent by fax to Personnel (Exhibit I1 claiming for 4 days 8/22-25/06 that Dr. L. Asam showed "Unsatisfactory performance of duties" and "Lack of control of a student" and signed by Mr.

Mark Corruthers, Assistant Principal of Deltona Middle School, one of the schools controlled by Volusia County School Board.

11 Claim 4b

12 The controlling law of Dr. Margaret Smith and investigating the phantom evaluation of Mr. Corruthers also acting as an official of the school Board is outrageous to try to cover-up a felony crime when the substitute teacher was doing what the regular teacher left as lesson plans.

13 Claim 4c

14 Volusia County School Board is liable to Dr. Lampkin-Asam because Dr. Margaret Smith failed to investigate the phantom teacher evaluation)Mr. Mark Corruthers never came to the classroom to make a teacher's evaluation) of his false, defamatory , and stigmatizing statements of "Unsatisfactory performance of Duties" and "Lack of control of a student (one student she could not see since she was hit in the back of her head by the student) to cover-up a felony crime for a student when the incident happened on August 24, 2005.

15 Claim 4d

16 Mr. Corruthers made another false statement listing the dates as August 22-25 when D. Lampkin-Asam was transferred from 8th grade to 7th grade math on August 25, 2005. (See Exhibit I1, stigmatizing Dr. Lampkin-Asam in obtaining any other teaching job when she had an unblemished record of teaching since 2001 and causing her not to receive any grant money because Dr. Lampkin-Asam has always performed whatever class she was teaching.

17 Claim 5

18 Volusia County School Board owes Dr. Lampkin-Asam for back pay since August 25, 2005, the last day actually worked because she was hit in the back of her head by a student with a weapon.

19 Claim 6a

20 Because of the "Memory Disturbance" Dr. Lampkin-Asam was unable to finish her Book "Mutant Proteins Used To Protect Against Radiation and Resistance in P1798 Sensitive and Resistant to Lymphomas," which was a grant proposal for cancer research she had been writing in the summer of 2005. The Volusia County was directly liable for blocking cancer research on radiation protection to the carcinogenesis of lymphomas and regression (remission) of lymphomas.

21 Claim 6a

22 The Volusia County School Board is liable and responsible for damages to her head by a student with a weapon hitting Dr,. Lampkin-Asam in the head causing permanent damages as stated in this Amended Complaint, and owes $25,000.000.00, money which she will donate for cancer research.

...The entire Second Amended Complaint of 24 pages is incorporated into this Appendix as if rewritten because the Notice of Appeal was timely filed on May 3, 2007. [Defendants Ms. Wenzel (Gaines), Dr. Hoffen, Ms. Evans and USIS are mentioned on p. 15 of the Second Amended Complaint.

The following statement on p.15, paragraph 75, states:

"No Defendants in Counts 2 through 6 come under 42 U.S.C Section 1983, as previously pretended by Lawyers Counts 2 through 6."

Count 2 is about Ms. Suzanne Evans.

79 Claim 2

80 Suzanne Evans violated F.S. 440.134 (17) "notice" because Dr. Asam was not given "notice" until 9/1/05 (See Exhibit Z-2 for Notice and Exhibit X-3 for F.S. 440.134 (17) but Dr. Asam had to go ER Hospital first 8/26/05 the when the incident 8/24/06 of her being hit in the back of head by a student with a weapon while she was teaching; however, Ms. Evans never authorized the 8/26/05 Hospital bill to be paid.

...88 Claim 6

89 Because Ms. Evans has been abusing the Florida Statute 440.134 (17) SHE DOES HAVE CONNECTION WITH Florida action and federal court does have jurisdiction since Ms. Evans acting under color of state law violated Dr. Lampkin-Asam's due process rights of life, liberty, or property rights under 14th Amendment to U.S. Constitution.

Count 3 is on Dr. Michael Gebel.

96 Claim 4

This wrongful change to a false medical record without seeing patient again is clearly a violation of Dr. Lampkin-Asam's due process rights as to life, liberty, or property under the 14th Amendment to the U.S. Constitution which is the federal jurisdiction for Dr. Gebel to be a defendant in the federal court when Dr. Asam was a public school

teacher who had been hit by a student with a weapon and is not a frivolous lawsuit; Dr. Gebel was acting under color of state law - see law pp. 14 and 15.

Count 4 is Dr. Hoffen.

106 Claim 3

107 Dr. Hoffen pretended Dr. Lampkin-Asam was depressed and anxious in a medical record report referred to in Deposition (Ex EE) and he aggressively made her leave before deposition started and words depressed and anxious were false and detrimental to her as a cancer scientist and violated her due process rights as to life, liberty, or property under 14th Amendment to U.S. Constitution and or violation of equal protection of law.

Count 5 is on USIS.

110 Claim 1

111 The USIS, Inc., United Self Insured Services, is jointly and severally liable to whatever the Volusia County School Board is liable concerning the incident of Dr. Lampkin-Asam being hit in the back of her head by a student with a weapon while she was teaching on August 24, 2005

Count 6 is about Ms Wenzel (Gaines), Defendant and Attorney for Volusia County School Board which in my opinion is a violation of ethics and conflict of interest to be a Defendant and attorney for the Volusia County School Board. Dr. Lampkin-Asam reported to the Florida Bar. See about the Florida Bar in Appendix ( ).

121 Claim 2

122 Ms. Wenzel acting under color of state law failed as the lawyer for the Volusia County School Board to state school policy about teacher's rights that the school was not to have secretly conducted hearings about a teacher without her being present. [Violation of Florida Sunshine law about public school teacher.

123 Claim 3

124 Ms. Wenzel (Gaines) violated Dr. Lampkin-Asam's rights as to equal protection of the law since Mr. Hood when he took the deposition of Dr. Asam he had a representative of Volusia County School Board observing the deposition.

125 Claim 4

126 Ms. Wenzel (Gaines) acting under color of state law failed to allow Dr.Asam to be present at the Deposition of January 8, 2007; therefore. Ms. Wenzel Gaines violated the due process of Dr. Asam as to due process when life, liberty, or property is concerned under the 14th Amendment to the U.S. Constitution.

CONSTITUTIONAL PROVISIONS AND FEDERAL STATUTES INVOLVED

United States Constitution, Amendment V

in pertinent part, as follow:"

"No person shall,,, be deprived of life, liberty, or property, without due process of law..."

United States Constitution, Amendment XIV

"Section 1. All persons born or naturalized and

subject to jurisdiction thereof, are citizens of the United States and of the States wherein they reside; No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor equal protection of the laws."

United States Constitution, Amendment VII

"In Suits at common law, where the value in controversy shall exceed twenty dollars,the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law."

United States Constitution, Amendment I.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or bridging the freedom of speech, or of the press, or the right of people to peaceably to assemble, and to petition the government for redress of grievances."

FEDERAL STATUTES

42 U.S.C. Section 1983

"Every person who, under color of any stature, ordinance regulation, custom, usuage, or any State or Territory . Subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of

any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

28 U.S.C. Section 1343(3)

3) To redress the deprived, under color of any State law, statutes ordinance, regulation, custom or usuage , or any right, privilege or immunity by the Constitution of the United States or any Act of Congress providing for equal rights of citizens or of persons within the jurisdictiion of the United States."

28 U.S.C. Section 2106

"The Supreme Court or any other court of appellate jurisdiction may affirm, modify. restate, set aside, or reverse any judgement, decree, or order of court lawfully brought before it for review, and may remand the Cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

28 U.S.C. Section 1254

"Cases in the Court s of Appeals may be reviewed by the Supreme Court by the following methods:

(1) By Writ of Certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree"...

FEDERAL RULES OF CIVIL PROCEDURE

"Rule 8(a)(2) states:
"(2) a short and plain statement of the claim showing that pleader is entitled to relief."...

"A complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that plaintiff can prove no set of facts in support of his claims which would entitled him to relief. Fed. Rules Civ. Proc. Rule 12(b)6 28 U.S.C.A.

Rule 12(e) states "If a pleading to which a responsive pleading is permitted is as vague or ambiguous that a party may not be reasonably be required to frame a responsive pleading, the party may move for a more responsive pleading. The motion should point out the defects complained of and the details desired if the motion is granted and the order of the court not obeyed within 10 days after notice of the order or within such other time as the court may fix, the court may strike the pleading to which the motion was directed or make such an order as it deems just."

FLORIDA STATUTES

F.S. 770.01

"Before any civil action is brought for publication in a newspaper or periodical, of a libel, the plaintiff shall, at least five days before instituting such action, serve notice in writing on defendant, specifying, the article, and statements therein, which he alleges to be false and defamatory."

F.S. 286.011
ALSO KNOWN AS SUNSHINE LAW

"(1) All meetings of any board or commission of any state agency of authority or of any agency or authority of any county, municipal corporation or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken to be public meetings open to the public at all times, and no resolution, rule, or formal action or formal shall be considered binding except as taken at that meeting. The Board must provide reasonable notice of that meeting."

F.S. 440.134 (17)

"(17) Notwithstanding any other provisions of this chapter, when a carrier provides through a workers' compensation managed care arrangement, pursuant to this section workers who are subject to this arragement must receice medical services for workers injuries and diseases as prescribed in the

contract, provided the employer and carrier provided notice[1] (Emphasis added) to the employees to the arrangement in a manner approved medical services are in accordance with the practice parameters and proticols established pursuant to this chapter. Treatment received outside the workers' compensa-tion medical arrangement is not compensable, regardless of the purpose of the treatment, including limited to, evaluations examinations, or diagnostic studies to determine causation of medical, findings and a compensable accident, the existence or extent of impaorment disabilities, and whether the injured employee has reached maximum medical inprovement authorized by the carrier prior to the treatment date."

[1] No notice was given to Dr. Lampkin-Asam before she has to go to ER Hospital on 8/26/05.

FLORIDA STATUTE 119.011(1)[2]

"Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business of any agency."

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[2] Dade County School Board v. Miami Herald Pub. Co. 443 So. 2d 268 (DCA of Fla. 3rd Dist., 1983) was cited showing personnel file of teacher is a public record.

.From Orlando Sentinel November 1, 2005

"TEACHER, SCHOOL DISTRICT CLASH

OVER HEAD INJURY

The Deltona Middle Substitute says she was hit by a student but district officials critisize her work.

By Erika Hobbs
Sentinel Staff writer

Julia Lampkin-Asam was huddled with students going over a math lesson on an August afternoon at Deltona Middle School when someone struck her in the head from behind.

The 74-year old teacher crumpled into a chair.

She suffered a conussion and later a heart attack which she blames on the blow.

But she isn't bitter. She isn't sueing Volusia County Schools. She said she wants to raise awareness about uncontrollable some students an be.

"I don't want anybody else go get hurt," she said. According to police records, students suspect a classmate struck Lampkin-Asam at the end of a math class, moments after the dismissal bell rang. No one admits witnessing it, but those interviewed said that a boy bragged about the incident. He later denied any involvement.

The incident created a controversy between Lampkin-Asam and district officials. Lampkin-

Asam, who had an unblemished record during her four years at Volusia School was reprimanded for her classroom performance during the four days she taught when the alleged attack happened. Sh has been barred from teaching at Deltona Middle. "I can't believe it I have taught hundreds of classes in Volusia without a problem."

District spokeswoman Nancy Wait said that because a suspect has not been identified, no one has been punished and no arrests have been made. She would not comment further, citing workers' compensation and other legal issues.

A 2004 federal survey showd that a 4 per cent of teachers nationwide reported they were victims of attacks by students. According to the State Department of Juvenile Justice, Volusia logged 24 reports of youths attempting to hurt an elected or school official last year,

It's rare said John See, a spokesman for the American Federation of Teachers in Washington, D.C. "But one is too many.

Lampkin-Asam said she does not know how long she sat in that chair that afternoon.

When her thoughts cleared, new students awaited her. So she finished the day.

She said she didn't feel well the next day, but struggled through the last of her four-day stint filling in for absent math teachers. By Friday, two days after she was struck in the head, Lampkin-Asam was in the emergency room. She'd had a concussion and a heart attack her medical records show, Lampkin-Asam thinks the strike triggered the heart attack.

Doctors are still examining her, but whether the blow on the head contributed to her heart attack is not clear.

Doctors have ordered her to stay home. Her head still aches, she said. She's less steady. Words sometimes escape Lampkin-Asam, embarrassing the woman who once conducted cancer research in University laboratories.

Lampkin-Asam, who has a doctorate degree in biochemistry and a law degree, has taught college-level math and science.

But her life's work has been trying to cure cancer. Her early work on lymphomas proved promising. She has been associated with the University of Miami and the University of Wisconsin, but most of her 33-year career has been spent as an independent researcher.

Lampkin-Asam now mainly conducts literature reviews on lymphomas. She dedicates most of her time raising money for her non profit Lampkin-Cancer Institute in Deltona. She hopes to fund further research through the foundation, which she supports herself with the money she earns from substitute teaching.

She loves teaching, she said, and hopes to return.

However, she is not sure that she will be allowed to.

On the same day she filed a report about the incident, Deltona Middle School Assistant Principal Mark Corruthers filed a complaint against Lampkin-Asam, saying she lacked "control of student conduct" while she was at the school. It is the first complaint or reprimand she has received, her personnel showed. As a result she has been

advised that she may not be allowed to work for the district again.

"What he wrote is absolutely false," (Emphasis added), Lampkin-Asam said.

She added that she suspects Corruthers filed the report in response to her incident report.

The school would not comment about Lampkin-Asam's reprimand.

"As I've said I cannot comment on this case because of confidentially of worker's comp claim and possible litigation" spokeswoman Wait said in an e-mail interview.

But Lampkin-Asam's health may keep her from teaching.

Still she has hope.

"I've got too much to do to give up," she said."

Letter dated, "February 07, 2008...
To Clerk, U.S.District Court...
"Appeal Number: 07-12704-BB
Case Style: Julia McCain Lampkin-Asam Volusia County School
District Court Number: 07-00116 CV -ORL-31-DAB
... Also enclosed are the following :

Original Exhibits, consisting of two folders
Original record on appeal or review, consisting of three volume"... .

Sincerely,

THOMAS K. KAHN,

Clerk, ..."

APPENDIX F

See Order dated 4/16/07 p. 2 and 3, Document 2, which states,

"If she so desires, the Plaintiff will be provided one final chance to draft an amended complaint that satisfies the requirements of the Federal Rules of Civil procedure. The Plainbtiff may file a second amended complaint not more than 20 days from the entry of this order. The Defendants need not respond to that pleading, or to any motion filed in the interim, until directed do so by this Court."

DONE AND ORDERED in Chambers, Orlando, Florida on April 16,2007."

/s/ Gregory Presnell
GREGORY PRESNELL
UNITED STATES DISTRICT JUDGE

APPENDIX G

OTHER

ORLANDO SENTINEL, dated November 1, 2005 in Volusia County Section. See Appendix E about Dr. Lampkin-Asam's Head injury and the controversy created by Mr. Corruthers, Assistant Principal who tried to illegally cover-up a felony violence in his school by a student. See Exhibit (I1a).

Sheriff report number 05-31030 filed in Deland, Florida.

APPENDIX H

ORLANDO SENTINEL, dated March 15, 2008, Front page of State and Local section of newspaper about 3 teenagers that were going to shoot students in cafeteria and then shoot themselves which Dr. Lampkin-Asam discussed concerning reasons to grant the writ on p. of this Writ. Schools should not allow gangs to gather in the school and bring weapons to school. There was no metal detector when I became a victim of a student who was unprovoked and had just returned from school retention intentionally hit me in the back of my head and later told authorities that he couldn't remember what happened. See 05-31030 on file in Deland, Florida in Volusia County Sheriff Records.

APPENDIX I